

Alexis Galindo (State Bar No. 136643)  
*agalindo@cgsattys.com*  
Maximiliano Galindo (State Bar No. 328187)  
*mgalindo@cgsattys.com*  
**CURD GALINDO & SMITH LLP**  
301 East Ocean Blvd., Suite 1700  
Long Beach, CA 90802-4828  
Telephone: (562) 624-1177  
Facsimile: (562) 624-1178

Attorneys for Plaintiff  
JOSE GARIBO

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

JOSE GARIBO, Individually,

Plaintiff,

v.

CITY OF SAN BERNARDINO, a  
public entity, IMRAN AHMED,  
KEVIN RAMIREZ, PAULINA  
ZAMORA, JOE LUCERO, DOES 1  
through 10, Jointly and Severally,

Defendants.

Case No.

**COMPLAINT FOR DAMAGES,**

1. Violation of Civil Rights (42 U.S.C. § 1983)
2. Monell Claim (42 U.S.C. § 1983)
3. Excessive Force (42 U.S.C. § 1983)
4. Supervisor Liability (42 U.S.C. § 1983)
5. Bane Act (Cal. Civ. Code § 52.1)
6. Negligence
7. Assault & Battery

1 Plaintiff, by and through his attorneys CURD, GALINDO & SMITH LLP, for  
2 his Complaint against Defendants, state as follows:  
3

4 **JURISDICTION AND VENUE**

5 1. This is a civil rights action arising from Defendants' use of excessive  
6 force, assault, battery, negligence, and false police reporting resulting in the beating  
7 of and broken right arm of Jose Garibo, on April 18, 2021, in San Bernardino,  
8 COUNTY OF SAN BERNARDINO, California. This action is brought pursuant to  
9 42 USC §§ 1983 and 1988, and the Fourth and Fourteenth Amendments to the United  
10 States Constitution, as well as the laws and Constitution of the State of California.  
11 Jurisdiction is founded upon 28 USC §§ 1331 and 1343(a)(3) and (4), and the  
12 aforementioned statutory and constitutional provisions. Plaintiff further invokes the  
13 supplemental jurisdiction of this Court pursuant to 28 USC §1367 to hear and decide  
14 claims arising under state law. The amount in controversy herein, excluding interest  
15 and costs, exceeds the minimum jurisdictional limit of this Court.  
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20 Venue is proper in this Court under 28 USC §1391(b), because Defendants  
21 reside in, and all incidents, events, and occurrences giving rise to this action occurred  
22 in, the County of San Bernardino, which is in the Central District of California.  
23

24 **PARTIES AND PROCEDURE**

25 2. Plaintiff JOSE GARIBO brings these claims individually. JOSE  
26 GARIBO is a resident of California and is entitled to bring these claims individually.  
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1           3. Defendant CITY OF SAN BERNARDINO is a public entity established  
2 by the laws and Constitution of the State of California, and owns, operates, manages,  
3 directs, and controls the CITY OF SAN BERNARDINO POLICE DEPARTMENT  
4 (“SBPD”) which employs other defendants in this action.  
5

6           4. Defendant Police Officers IMRAN AHMED, KEVIN RAMIREZ,  
7 PAULINA ZAMORA, and JOE LUCERO at all material times were employed as  
8 law enforcement officers by Defendant CITY OF SAN BERNARDINO, and were  
9 acting within the course and scope of that employment. Defendants IMRAN  
10 AHMED, KEVIN RAMIREZ, PAULINA ZAMORA, and JOE LUCERO are being  
11 sued in their individual capacities.  
12  
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14           5. Defendants Police Officers DOE 1 through DOE 10 at all material times  
15 were employed as law enforcement officers by Defendant CITY OF SAN  
16 BERNARDINO, and were acting within the course and scope of that employment.  
17 Defendants DOE 1 through DOE 10 are being sued in his/her individual capacity.  
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20           6. Plaintiff is informed and believes and thereon alleges that each of the  
21 Defendants sued herein was negligently, wrongfully, and otherwise responsible in  
22 some manner for the events and happenings as hereinafter described, and proximately  
23 caused injuries and damages to Plaintiff. Further, one or more DOE defendants was  
24 at all material times responsible for the hiring, training, supervision, and discipline of  
25 other defendants, including Doe Defendants.  
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1           7. Plaintiff is informed, believes, and thereon alleges that each of the  
2 Defendants was at all material times an agent, servant, employee, partner, joint  
3 venturer, co-conspirator, and/or alter ego of the remaining Defendants, and in doing  
4 the things herein alleged, was acting within the course and scope of that relationship.  
5 Plaintiff is further informed, believes, and thereon alleges that each of the Defendants  
6 herein gave consent, aid, and assistance to each of the remaining Defendants, and  
7 ratified and/or authorized the acts or omissions of each Defendant as alleged herein,  
8 except as may be hereinafter otherwise specifically alleged. At all material times,  
9 each Defendant was jointly engaged in tortious activity, resulting in the deprivation  
10 of Plaintiff's constitutional rights and other harms.

11           8. The acts and omissions of all Doe Defendants as set forth herein were at  
12 all material times pursuant to the actual customs, policies, practices, and procedures  
13 of the CITY OF SAN BERNARDINO POLICE DEPARTMENT ("SBPD").

14           9. At all material times, each Defendant acted under color of the laws,  
15 statutes, ordinances, and regulations of the State of California.

16           10. On October 12, 2021, a proper and timely tort claim was presented to the  
17 CITY OF SAN BERNARDINO on behalf of Plaintiff, JOSE GARIBO, pursuant to  
18 Government Code § 910 et seq., and this action was thereafter timely filed within all  
19 applicable statutes of limitation. The claims were denied on December 7, 2021.

20           11. This complaint may be pled according to evidence later proven at trial  
21 and in the alternative pursuant to FRCivP 8(e)(2).

**PRELIMINARY ALLEGATIONS**

12. Plaintiff re-alleges each and every paragraph in this complaint as if fully set forth here.

13. The San Bernardino Police Department, through its officers' repeated conduct, has a longstanding history and practice of using excessive force against individuals during arrests and detentions, which has effectively become the Department's standard operating procedure. Even as of January 1, 2016, over six years ago, the City of San Bernardino faced one hundred and nine (109) lawsuits related to the City's police officers' use of excessive force. The number of incidents and lawsuits involving San Bernardino Police officers' use of excessive force against individuals has since continued to grow.

14. On or about May 6, 2016, San Bernardino Police Officers attempted to conduct a traffic stop of Richard Osaki, who was driving his vehicle. Osaki failed to yield to officers but stopped his vehicle and ran away from officers on foot. As Osaki was being pursued by at least five San Bernardino Police Officers, one of which was Defendant IMRAN AHMED, Osaki hid in a trash can, which the officers tipped over causing Osaki to fall out. The pursuing officers, including Defendant IMRAN AHMED, began kicking, punching, and striking Osaki with their batons, even though Osaki did not resist the officer's arrest at this point, and even though Osaki posed no immediate or significant threat to the officers' safety or the public. During this beating of Osaki by the officers, and while Osaki was on the ground, Defendant

1 AHMED deployed his taser on Osaki, using both the dart and dry stun mode. The  
2 ranking sergeant on scene, Sgt. Schuelke, not only failed to intervene and stop this  
3 excessive use of force against Osaki, but actively supervised and ordered the San  
4 Bernardino officers, including Defendant AHMED, to continue and partake in  
5 beating Osaki. As a result of AHMED's and the other officers' beating of Osaki,  
6 Osaki suffered multiple fractures to his face and right hand, as well as bruising, taser  
7 burns, and lacerations. Osaki also underwent surgery to repair his fractured orbital  
8 bone.  
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12 15. On or about April 18, 2021, in the CITY OF SAN BERNARDINO, San  
13 Bernardino Police Officers saw Plaintiff, JOSE GARIBO, exit the back seat of a  
14 vehicle that was involved in a traffic stop and run away. Plaintiff was then seen  
15 entering the backyard of a private residence located at 1436 Valencia Avenue, San  
16 Bernardino, California, and San Bernardino Police personnel were called.  
17

18  
19 16. Defendant police officers IMRAN AHMED, KEVIN RAMIREZ,  
20 PAULINA ZAMORA, and JOE LUCERO responded to the call and arrived at the  
21 subject residence at about 6:29 PM. The Defendant officers' response to the call was  
22 captured by their department issued body-worn-cameras. Defendant police officers  
23 IMRAN AHMED, KEVIN RAMIREZ, PAULINA ZAMORA, and JOE LUCERO  
24 entered through the front door of the subject residence, with firearms drawn, and  
25 walked through the house to the backyard of the residence where they saw Plaintiff,  
26 JOSE GARIBO, standing under a tree. Upon first seeing GARIBO under the tree,  
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1 Defendant Officers IMRAN AHMED, KEVIN RAMIREZ, PAULINA ZAMORA,  
2 and JOE LUCERO gave GARIBO commands to get on the ground and to show his  
3 hands. As Defendants IMRAN AHMED, KEVIN RAMIREZ, PAULINA  
4 ZAMORA, and JOE LUCERO approached GARIBO with their firearms drawn,  
5 GARIBO followed the Defendant officers' commands and placed himself in a  
6 submissive position by getting down on his knees, putting his face down to the  
7 ground, and outstretching his arms to either side. At this time, the Defendant officers  
8 could see that GARIBO's left arm was wrapped in a white cast. The Defendant  
9 police officers IMRAN AHMED, KEVIN RAMIREZ, PAULINA ZAMORA, and  
10 JOE LUCERO saw that JOSE GARIBO followed their commands and they holstered  
11 their firearms.  
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16 17. As the Defendant officers approached JOSE GARIBO, GARIBO moved  
17 his arms behind his back and surrendered to the Defendant officers, posing no threat  
18 to the Defendant officers' safety or the public. Defendant Officers IMRAN AHMED,  
19 KEVIN RAMIREZ, PAULINA ZAMORA, and JOE LUCERO then jumped on  
20 GARIBO and began striking GARIBO's head and torso with punches and kicks,  
21 without provocation or just cause. Defendant IMRAN AHMED, the ranking sergeant  
22 on scene, held down JOSE GARIBO's legs as Defendant Officers PAULINA  
23 ZAMORA and JOE LUCERO continued to strike JOSE GARIBO's torso and head.  
24 While AHMED was holding GARIBO's body down, and ZAMORA and LUCERO  
25 continued to strike GARIBO, Defendant KEVIN RAMIREZ violently twisted  
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1 GARIBO's right arm behind GARIBO's back, snapping his right humerus. After  
2 snapping GARIBO's right arm, Defendant Officers placed JOSE GARIBO in  
3 handcuffs. Defendant IMRAN AHMED gave JOSE GARIBO commands to stop  
4 kicking and then kicked GARIBO while he was on the ground in handcuffs and  
5 writhing and screaming in pain. Defendant IMRAN AHMED then picked up  
6 GARIBO by his shirt and dragged GARIBO through the backyard until GARIBO  
7 was able to get on his feet. Defendant Officers IMRAN AHMED, KEVIN  
8 RAMIREZ, PAULINA ZAMORA, and JOE LUCERO used excessive and  
9 unreasonable force against JOSE GARIBO by punching and kicking him numerous  
10 times, snapping his right humerus, and dragging him through the property.  
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14 18. At the time he was beaten, JOSE GARIBO did not pose a significant or  
15 immediate threat of death or serious physical injury to Defendants or to anyone else,  
16 as he had surrendered to Defendant Officers. Defendant Police Officers IMRAN  
17 AHMED, KEVIN RAMIREZ, PAULINA ZAMORA, and JOE LUCERO failed to  
18 give any warning to JOSE GARIBO before using force, even though a warning  
19 would have been feasible and proper. Rather than intervene to stop the excessive use  
20 of force against GARIBO, Sgt. AHMED, the ranking sergeant on scene, actively  
21 supervised, ordered, and partook in the beating of JOSE GARIBO.  
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25 19. During Defendant Officers IMRAN AHMED, KEVIN RAMIREZ,  
26 PAULINA ZAMORA, and JOE LUCERO's attack on Plaintiff, JOSE GARIBO, the  
27 Defendant Officers IMRAN AHMED, KEVIN RAMIREZ, PAULINA ZAMORA,  
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1 and JOE LUCERO attempted to conceal their use of excessive force against JOSE  
2 GARIBO by throwing their already activated and functioning department issued  
3 body-worn cameras to the ground prior to attacking GARIBO. Furthermore, during  
4 the attack on JOSE GARIBO the Defendant Officers, including KEVIN RAMIREZ  
5 and IMRAN AHMED, continued in their attempts to conceal their excessive use of  
6 force against GARIBO by pushing and kicking away the body-worn cameras they  
7 had thrown on the ground which were facing the Defendant Officers during their  
8 attack on GARIBO.  
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12 20. After Defendant Officers IMRAN AHMED, KEVIN RAMIREZ,  
13 PAULINA ZAMORA, and JOE LUCERO beat JOSE GARIBO, fracturing his right  
14 humerus, Defendant IMRAN AHMED threatened GARIBO with unjustified jail time  
15 and criminal prosecution if GARIBO told the truth about how the Defendant officers  
16 beat him and broke his right arm. San Bernardino County Fire personnel responded  
17 to the subject residence and treated GARIBO for his injuries. GARIBO was then  
18 transported to Arrowhead Regional Medical Center, where he received further  
19 treatment for his injuries. While at Arrowhead Regional Medical Center, Defendant  
20 Sgt. IMRAN AHMED coerced GARIBO into providing a false statement as to how  
21 he suffered the injuries to his face, arms, and torso, and how he broke his right arm.  
22 GARIBO required surgery to his right arm, including the insertion of hardware to  
23 repair his humerus, because of the beating.  
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1           21. At all material times, JOSE GARIBO behaved peacefully. The use of  
2 force, including the snapping of GARIBO's right arm described herein, was not  
3 justified or lawful under the circumstances.  
4

5           22. Alternatively, or concurrently, Defendants Police Officers IMRAN  
6 AHMED, KEVIN RAMIREZ, PAULINA ZAMORA, and JOE LUCERO's own  
7 excessive and unreasonable actions created a risk of harm to JOSE GARIBO, created  
8 the situation in which Defendants IMRAN AHMED, KEVIN RAMIREZ, PAULINA  
9 ZAMORA, and JOE LUCERO decided to use force, and caused an escalation of  
10 events leading to the injuries sustained by JOSE GARIBO.  
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13           23. Defendants IMRAN AHMED, KEVIN RAMIREZ, PAULINA  
14 ZAMORA, and JOE LUCERO's conduct herein, including but not limited to their  
15 decision(s) to stop and seize JOSE GARIBO, the manner in which they conducted  
16 that stop and seizure, their failure to communicate with Plaintiff GARIBO or other  
17 witnesses, their use of force, and their other conduct, was contrary to generally  
18 accepted reasonable police procedures and tactics, and caused the injuries sustained  
19 by JOSE GARIBO.  
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22           24. At all material times, and alternatively, the actions and omissions of each  
23 defendant were intentional, wanton and/or willful, conscience shocking, reckless,  
24 malicious, deliberately indifferent to Plaintiff's rights, done with actual malice,  
25 grossly negligent, negligent, and objectively unreasonable. The actions of  
26 Defendants IMRAN AHMED, KEVIN RAMIREZ, PAULINA ZAMORA, and JOE  
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1 LUCERO had no legitimate law enforcement purpose other than to sadistically  
2 torture Plaintiff GARIBO.

3  
4 25. As a direct and proximate result of each Defendant's acts and/or  
5 omissions as set forth above, Plaintiff sustained the following injuries and damages,  
6 past and future, among others:

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- 7
- 8 a. Broken Right Humerus of JOSE GARIBO.
  - 9 b. Bruises, lacerations, and
  - 10 c. Hospital and medical expenses;
  - 11 d. Violation of constitutional rights;
  - 12 e. All damages and penalties recoverable under 42 USC §§ 1983 and
  - 13 1988, and as otherwise allowed under California and United States
  - 14 statutes, codes, and common law;
  - 15 f. JOSE GARIBO's conscious pain and suffering, pursuant to
  - 16 federal civil rights law;
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  - 18
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20 **FIRST CLAIM FOR RELIEF**

21 **Unreasonable Search and Seizure – Detention and Arrest (42 USC § 1983)**  
22 (PLAINTIFF AGAINST DEFENDANTS IMRAN AHMED, KEVIN RAMIREZ,  
23 PAULINA ZAMORA, and JOE LUCERO)

24 26. Plaintiff realleges each and every paragraph in this complaint as if fully  
25 set forth here, and by this reference incorporates the same into each cause of action  
26 herein.  
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1           27. By the actions and omissions described above, Defendants Police  
2 Officers IMRAN AHMED, KEVIN RAMIREZ, PAULINA ZAMORA, and JOE  
3 LUCERO violated 42 USC §1983, depriving Plaintiff of the following clearly  
4 established and well-settled constitutional rights protected by the Fourth and  
5 Fourteenth Amendments to U.S. Constitution:  
6

- 7
- 8           a. The right to be free from unreasonable searches and seizures as  
9           secured by the Fourth and Fourteenth Amendments;
  - 10          b. The right to be free from excessive and unreasonable force in the  
11          course of arrest or detention as secured by the Fourth and Fourteenth  
12          Amendments;
  - 13          c. The right to be free from the use of unlawful deadly force as secured  
14          by the Fourth and Fourteenth Amendments;
  - 15          d. The right to be free of unlawful, reckless, deliberately indifferent, and  
16          conscience shocking force as secured by the Fourteenth Amendment;

17          28. Defendants subjected Plaintiff to their wrongful conduct, depriving  
18 Plaintiff of rights described herein, knowingly, maliciously, and with conscious and  
19 reckless disregard for whether the rights and safety of Plaintiff and others would be  
20 violated by their acts and/or omissions.

21          29. As a direct and proximate result of Defendants' acts and/or omissions as  
22 set forth above, Plaintiff sustained injuries and damages as set forth at paragraph 25,  
23 above.  
24

25          30. The conduct of Defendants Police Officers IMRAN AHMED, KEVIN  
26 RAMIREZ, PAULINA ZAMORA, and JOE LUCERO entitles Plaintiff to punitive  
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1 damages and penalties allowable under 42 USC §1983 and Cal. Code of Civil  
2 Procedure § 377.20 et seq.

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4 31. Plaintiff is also entitled to reasonable costs and attorney fees under 42  
5 USC §1988.

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7 **SECOND CLAIM FOR RELIEF**

8 **Municipal Liability for Unconstitutional Custom, Practice or Policy (42 USC §**  
9 **1983)**

10 (PLAINTIFF AGAINST DEFENDANT CITY OF SAN BERNARDINO)

11 32. Plaintiff realleges each and every paragraph in this complaint as if fully  
12 set forth here.

13  
14 33. The unconstitutional actions and/or omissions of Defendant Police  
15 Officers IMRAN AHMED, KEVIN RAMIREZ, PAULINA ZAMORA, JOE  
16 LUCERO, and DOES 1 through 10, as well as other officers employed by or acting  
17 on behalf of Defendant CITY OF SAN BERNARDINO, on information and belief,  
18 were pursuant to the following customs, policies, longstanding practices, and/or  
19 procedures of the SBPD which constitute the standard operating procedure of the  
20 SBPD, stated in the alternative, which were directed, encouraged, allowed, and/or  
21 ratified by policy making officers for CITY OF SAN BERNARDINO and the SBPD:  
22  
23

- 24 a. To use or tolerate the use of excessive and/or unjustified force;  
25  
26 b. To use or tolerate the use of unlawful deadly force;  
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- c. To fail to use appropriate and generally accepted law enforcement procedures in handling emotionally disturbed and/or medically disabled persons;
- d. To fail to use appropriate and generally accepted law enforcement procedures in handling disabled persons;
- e. To fail to use appropriate and generally accepted law enforcement procedures in handling persons experiencing medical emergencies;
- f. To cover-up violations of constitutional rights by any or all of the following:
  - i. by failing to properly investigate and/or evaluate complaints or incidents of excessive and unreasonable force, unlawful seizures, and/or handling of emotionally disturbed persons;
  - ii. by ignoring and/or failing to properly and adequately investigate and discipline unconstitutional or unlawful police activity; and
  - iii. by allowing, tolerating, and/or encouraging Sheriff Deputies to: fail to file complete and accurate police reports; file false police reports; make false statements; intimidate, bias and/or “coach” witnesses to give false information and/or to attempt to bolster officers’ stories; and/or obstruct or interfere with investigations of unconstitutional or unlawful police conduct, by withholding and/or concealing material information;
- g. To allow, tolerate, and/or encourage a “code of silence” among law enforcement officers and police department personnel, whereby an officer or member of the department does not provide adverse information against a fellow officer or member of the department; and,
- h. To use or tolerate inadequate, deficient, and improper procedures for handling, investigating, and reviewing complaints of officer misconduct made under California Government Code § 910 et seq.

1           34. Defendant CITY OF SAN BERNARDINO, failed to properly hire, train,  
2 instruct, monitor, supervise, evaluate, investigate, and discipline Defendant Police  
3 Officers IMRAN AHMED, KEVIN RAMIREZ, PAULINA ZAMORA, and JOE  
4 LUCERO, DOES 1 through 10, and other SBPD personnel, with deliberate  
5 indifference to Plaintiff's constitutional rights, which were thereby violated as  
6 described above.  
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9           35. The unconstitutional actions and/or omissions of Defendant Police  
10 Officers IMRAN AHMED, KEVIN RAMIREZ, PAULINA ZAMORA, and JOE  
11 LUCERO, DOES 1 through 10 and other SBPD personnel, as described above, were  
12 approved, tolerated and/or ratified by policy-making officers for the SBPD. Plaintiff  
13 is informed and believes, and thereupon alleges, the details of this incident have been  
14 revealed to the authorized policy makers within CITY OF SAN BERNARDINO and  
15 the SBPD, and that such policy makers have direct knowledge of the fact that JOSE  
16 GARIBO's beating was not justified, but rather represented an unconstitutional  
17 display of unreasonable and excessive force. Notwithstanding this knowledge, the  
18 authorized policy makers within CITY OF SAN BERNARDINO and the SBPD have  
19 approved of Defendants Police Officers IMRAN AHMED, KEVIN RAMIREZ,  
20 PAULINA ZAMORA, and JOE LUCERO, DOES 1 through 10 beating of JOSE  
21 GARIBO, and have made a deliberate choice to endorse Defendants beating of JOSE  
22 GARIBO and the basis for that beating.  
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1           36. As was stated above, Defendant IMRAN was involved in a similar  
2 incident roughly six years ago, wherein IMRAN's sergeant and supervisor, Sgt.  
3 Schuelke, at the time actively supervised and ordered the unjustified beating and use  
4 of excessive force by IMRAN against an individual who ran away from officers but  
5 posed no threat to the safety of the officers or the public. Defendant IMRAN, now a  
6 sergeant and supervising officer, acted in the same manner as his past supervisor by  
7 actively supervising, ordering, and partaking in the beating of Plaintiff who posed no  
8 threat to the officers or the public. Defendant IMRAN started as a subordinate officer  
9 who was ordered to and engaged in the use of excessive force against an individual,  
10 to being promoted to sergeant and a supervisor who now orders, supervises, and  
11 actively partakes in the use of excessive force against an individual. By so doing, the  
12 authorized policy makers within CITY OF SAN BERNARDINO and the SBPD have  
13 shown affirmative agreement with IMRAN's and the other individual defendant  
14 officers' actions and have ratified the unconstitutional acts of the individual  
15 defendant officers, thus establishing this custom and practice of using excessive force  
16 against individuals who run from police, but pose no threat to the safety of the  
17 officers or the public, as the standard operating procedure of the San Bernardino  
18 Police Department.

25           37. The aforementioned customs, policies, practices, and procedures, the  
26 failures to properly and adequately hire, train, instruct, monitor, supervise, evaluate,  
27 investigate, and discipline, as well as the unconstitutional orders, approvals,  
28



1 ratification and toleration of wrongful conduct of Defendants CITY OF SAN  
2 BERNARDINO, were a moving force and/or a proximate cause of the deprivations of  
3 Plaintiff's clearly-established and well-settled constitutional rights in violation of 42  
4 USC §1983, as more fully set forth in Paragraph 27, above.

6 38. Defendants subjected Plaintiff to their wrongful conduct, depriving  
7 Plaintiff of rights described herein, knowingly, maliciously, and with conscious and  
8 reckless disregard for whether the rights and safety of Plaintiff and others would be  
9 violated by their acts and/or omissions.

11 39. As a direct and proximate result of the unconstitutional actions,  
12 omissions, customs, policies, practices and procedures of Defendants CITY OF SAN  
13 BERNARDINO as described above, Plaintiff sustained serious injuries and is entitled  
14 to damages, penalties, costs and attorney fees as set forth in paragraphs 24, 25, and 27  
15 above, and punitive damages against Defendant Police Officers IMRAN AHMED,  
16 KEVIN RAMIREZ, PAULINA ZAMORA, and JOE LUCERO, and DOES 1 through  
17 10 in their individual capacities.

21 **THIRD CLAIM FOR RELIEF**

22 **Unreasonable Search and Seizure and Due Process – Excessive Force (42 USC**  
23 **§1983)**

24 (PLAINTIFF AGAINST DEFENDANTS IMRAN AHMED, KEVIN RAMIREZ,  
25 PAULINA ZAMORA, and JOE LUCERO)  
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1           40. Plaintiff realleges each and every paragraph in this complaint as if fully  
2 set forth here. Specifically, the use of deadly force was excessive and unreasonable  
3 under the circumstances.  
4

5           41. Defendants IMRAN AHMED, KEVIN RAMIREZ, PAULINA  
6 ZAMORA, and JOE LUCERO's unjustified beating deprived GARIBO of his right to  
7 be secure in his persons against unreasonable searches and seizures as guaranteed to  
8 GARIBO under the Fourth Amendment to the United States Constitution and applied  
9 to state actors by the Fourteenth Amendment.  
10

11           42. The unreasonable use of excessive force by Defendants IMRAN  
12 AHMED, KEVIN RAMIREZ, PAULINA ZAMORA, and JOE LUCERO deprived  
13 GARIBO of his right to be secure in his person against unreasonable searches and  
14 seizures as guaranteed to GARIBO under the Fourth Amendment to the United States  
15 Constitution and applied to state actors by the Fourteenth Amendment.  
16

17           43. As a result, GARIBO suffered extreme pain, mental suffering,  
18 embarrassment, and humiliation. As a result of their conduct, Defendants IMRAN  
19 AHMED, KEVIN RAMIREZ, PAULINA ZAMORA, and JOE LUCERO are liable  
20 for GARIBO's injuries, either because they were integral participants in the excessive  
21 force, or because they failed to intervene to prevent these violations.  
22

23           44. The conduct of Defendants IMRAN AHMED, KEVIN RAMIREZ,  
24 PAULINA ZAMORA, and JOE LUCERO was willful, wanton, malicious, and done  
25 with reckless disregard for the rights and safety of GARIBO and therefore warrants  
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1 the imposition of exemplary and punitive damages as to Defendants IMRAN  
 2 AHMED, KEVIN RAMIREZ, PAULINA ZAMORA, and JOE LUCERO.

3  
 4 45. Plaintiff JOSE GARIBO brings this claim individually and seeks  
 5 damages under Federal law for the violation of his rights. Plaintiff also seeks  
 6 attorney fees under this claim.

#### 7 **FOURTH CLAIM FOR RELIEF**

##### 8 **Supervisory Liability – Failure to Supervise (42 USC §1983)**

9  
 10 (PLAINTIFF AGAINST DEFENDANT SGT. IMRAN AHMED)

11  
 12 46. Plaintiff re-alleges each and every paragraph in this complaint as if fully  
 13 set forth here.

14  
 15 47. By the actions and omissions described above, Defendant IMRAN  
 16 AHMED violated 42 USC §1983, depriving Plaintiff of the following clearly  
 17 established and well-settled constitutional rights protected by the Fourth and  
 18 Fourteenth Amendments to U.S. Constitution:

- 19  
 20 a. The right to be free from unreasonable searches and seizures as  
 21 secured by the Fourth and Fourteenth Amendments;
- 22  
 23 b. The right to be free from excessive and unreasonable force in the  
 24 course of arrest or detention as secured by the Fourth and Fourteenth  
 25 Amendments;
- 26  
 27 c. The right to be free from the use of unlawful deadly force as secured  
 28 by the Fourth and Fourteenth Amendments;
- d. The right to be free of unlawful, reckless, deliberately indifferent, and  
 conscience shocking force as secured by the Fourteenth Amendment;

1           48. Defendant IMRAN AHMED, as the ranking sergeant on scene and the  
2 supervising officer of Defendants ZAMORA, LUCERO, and RAMIREZ, not only  
3 failed to intervene to stop his subordinate officers' use of excessive force against  
4 Plaintiff but was personally involved in the beating of Plaintiff by striking Plaintiff  
5 himself and holding down Plaintiff's legs while the other Defendant officers struck  
6 Plaintiff and broke Plaintiff's arm. By his conduct described herein, Defendant  
7 IMRAN AHMED supervised and encouraged Plaintiff's beating at the hands of  
8 Defendants ZAMORA, LUCERO, and RAMIREZ. As the supervising officer,  
9 Defendant AHMED could have stopped the Defendant officers' beating of GARIBO  
10 but failed to do so. Defendant AHMED was previously involved in multiple similar  
11 incidents and knew that his actions and the actions of his subordinates would cause  
12 GARIBO severe injuries and deprive GARIBO of his Fourth Amendment rights.  
13 Defendant AHMED also knew that his actions and the actions of his subordinates had  
14 no legitimate law enforcement purpose other than to sadistically torture GARIBO.  
15 Defendant AHMED knowingly refused to stop the beating of GARIBO perpetrated  
16 by Defendants ZAMORA, LUCERO, and RAMIREZ.

17           49. As a result, GARIBO suffered extreme pain, mental suffering,  
18 embarrassment, and humiliation. As a result of his conduct, Defendant IMRAN  
19 AHMED is liable for GARIBO's injuries because he was an integral participant in  
20 the excessive force and because he failed to intervene to prevent these violations as  
21 the supervising officer.

1           50. The conduct of Defendant IMRAN AHMED was willful, wanton,  
2 malicious, and done with reckless disregard for the rights and safety of GARIBO and  
3 therefore warrants the imposition of exemplary and punitive damages as to Defendant  
4 IMRAN AHMED.  
5

6           51. Plaintiff JOSE GARIBO brings this claim individually and seeks  
7 damages under Federal law for the violation of his rights. Plaintiff also seeks  
8 attorney fees under this claim.  
9

10                               **FIFTH CLAIM FOR RELIEF**

11                               **Violation of California Civil Code §52.1**

12                               (PLAINTIFF AGAINST DEFENDANTS AHMED, RAMIREZ, LUCERO, &  
13 ZAMORA)  
14

15           52. Plaintiff re-alleges each and every paragraph in this complaint as if fully  
16 set forth here.  
17

18           53. By their acts, omissions, customs, and policies, each Defendant acting in  
19 concert/conspiracy, as described above, violated Plaintiff's rights under California  
20 Civil Code §52.1, and the following clearly established rights under the United States  
21 Constitution and the California Constitution:  
22

- 23                               a. The right to be free from unreasonable searches and seizures as  
24                               secured by the Fourth and Fourteenth Amendments;  
25  
26  
27  
28

- b. The right to be free from excessive and unreasonable force in the course of arrest or detention as secured by the Fourth and Fourteenth Amendments;
- c. The right to be free from the unreasonable use of deadly force as secured by the Fourth and Fourteenth Amendments;
- d. The right to be free of unlawful, reckless, deliberately indifferent, and conscience shocking deadly force as secured by the Fourteenth Amendment;
- e. The right to be free from wrongful government interference with familial relationships, and Plaintiff's right to companionship and society, as secured by the First, Fourth and Fourteenth Amendments;
- f. The right to enjoy and defend life and liberty, acquire, possess and protect property, and pursue and obtain safety, happiness and privacy, as secured by the California Constitution, Article 1, Section 1;
- g. The right to life, liberty and property and not to be deprived of those without due process of law as secured by the California Constitution, Article 1, Section 7;
- h. The right to be free from unlawful and unreasonable seizure of one's person, including the right to be free from unreasonable

1 or excessive deadly force, as secured by the California  
2 Constitution, Article 1, Section 13;

3  
4 i. The right to protection from bodily restraint, harm, or personal  
5 insult, as secured by Cal. Civil Code § 43.

6 54. As a direct and proximate result of Defendants' violation of California  
7 Civil Code §52.1 and of Plaintiff's rights under the United States and California  
8 Constitutions, Plaintiff sustained injuries and damages, and against each and every  
9 Defendant is entitled to relief as set forth above at Paragraphs 24, 25 and 27, and  
10 punitive damages against Defendants in their individual capacities, including all  
11 damages allowed by California Civil Code §§ 52, 52.1, and California law, not  
12 limited to costs, attorneys fees, and civil penalties.  
13  
14  
15

16 **SIXTH CLAIM FOR RELIEF**

17 **Negligence – Personal Injuries**

18 (PLAINTIFF AGAINST DEFENDANTS AHMED, RAMIREZ, LUCERO, &  
19 ZAMORA)  
20

21 55. Plaintiff re-alleges each and every paragraph in this complaint as if fully  
22 set forth here.  
23

24 56. At all times, each Defendants owed Plaintiff the duty to act with due  
25 care in the execution and enforcement of any right, law, or legal obligation.  
26

27 57. At all times, each Defendant owed Plaintiff the duty to act with  
28 reasonable care.

1           58. These general duties of reasonable care and due care owed to Plaintiff by  
2 all Defendants include but are not limited to the following specific obligations:

- 3           a. to refrain from using excessive and/or unreasonable force against  
4           JOSE GARIBO;  
5  
6           b. to refrain from unreasonably creating the situation where force,  
7           including but not limited to deadly force, is used;  
8  
9           c. to refrain from abusing their authority granted them by law;  
10           d. to refrain from violating Plaintiff's rights guaranteed by the  
11           United States and California Constitutions, as set forth above, and  
12           as otherwise protected by law.  
13

14           59. Additionally, these general duties of reasonable care and due care owed  
15 to Plaintiff by Defendants CITY OF SAN BERNARDINO and IMRAN AHMED,  
16 KEVIN RAMIREZ, PAULINA ZAMORA, and JOE LUCERO, and DOES 1 through  
17 10, includes but are not limited to the following specific obligations:  
18

- 19           a. to properly and adequately hire, investigate, train, supervise,  
20           monitor, evaluate, and discipline their employees, agents, and/or  
21           law enforcement officers to ensure that those  
22           employees/agents/officers act at all times in the public interest and  
23           in conformance with law;  
24  
25  
26  
27  
28



1           b.     to make, enforce, and at all times act in conformance with policies  
2                     and customs that are lawful and protective of individual rights,  
3                     including Plaintiff's.

4  
5           c.     to refrain from making, enforcing, and/or tolerating the wrongful  
6                     policies and customs set forth at paragraph 29, above.  
7

8           60.    Defendants, through their acts and omissions, breached each and every  
9 one of the aforementioned duties owed to Plaintiff.

10           61.   As a direct and proximate result of Defendants negligence, Plaintiff  
11 sustained injuries and damages, and against each and every Defendant is entitled to  
12 relief as set forth above at Paragraphs 24, 25 and 27, and punitive damages against  
13 Defendants in their individual capacities.  
14

15  
16                     **SEVENTH CLAIM FOR RELIEF**

17                             **Assault and Battery**

18                     (PLAINTIFF AGAINST DEFENDANTS AHMED, RAMIREZ, LUCERO, &  
19  
20                             ZAMORA)

21           62.    Plaintiff re-alleges each and every paragraph in this complaint as if fully  
22 set forth here.  
23

24           63.    The actions and omissions of Defendants as set forth above constitute  
25 assault and battery.

26           64.    As a direct and proximate result of Defendants IMRAN AHMED,  
27 KEVIN RAMIREZ, PAULINA ZAMORA, and JOE LUCERO, and DOES 6 through  
28

1 10, assault and battery of JOSE GARIBO, Plaintiff sustained injuries and damages,  
2 and is entitled to relief as set forth above at Paragraphs 24, 25, and 27, and punitive  
3 damages against Defendants in their individual capacities.  
4

5 **PRAYER**

6 WHEREFORE, Plaintiff prays judgment against Defendants and each of them, as  
7 follows:  
8

9 **AS TO EACH CAUSE OF ACTION AS APPLICABLE**

- 10 1. For General damages according to proof;  
11  
12 2. For Special damages according to proof;  
13  
14 3. For Exemplary damages as provided by law, in an amount to be proved against  
15 each individual Defendant;  
16  
17 4. For Attorney's Fees pursuant to 42 U.S.C § 1988  
18  
19 5. For Costs of suit;  
20  
21 6. For such other and further relief as the Court may deem proper.

22 DATED: June 3, 2022

**CURD, GALINDO & SMITH, LLP**

23 /s/ Alexis Galindo

24 Alexis Galindo

25 Maximiliano Galindo

26 Attorneys for Plaintiff

27 JOSE GARIBO

28 **JURY DEMAND**

Plaintiff hereby requests a trial by jury.

1  
2 DATED: June 3, 2022

**CURD, GALINDO & SMITH, LLP**

3 /s/ Alexis Galindo  
4 Alexis Galindo  
5 Maximiliano Galindo  
6 Attorneys for Plaintiff  
7 JOSE GARIBO  
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